

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled:

**"APPARATUS, AND ASSOCIATED METHOD, FOR FACILITATING SELECTION OF
POWER LEVELS AT WHICH TO COMMUNICATE DATA IN A RADIO
COMMUNICATION SYSTEM"**

the specification of which is attached hereto.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined by Title 37, Code of Federal Regulations, § 1.56.

I hereby claim no foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate on which priority is claimed.

I hereby claim no benefit under Title 35, United States Code, § 120 of any United States application. I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this application.

I hereby appoint:

Brian T. Rivers, Registration No. 41,270
Robert C. Rolnik, Registration No. 37,995
Milan I. Patel, Registration No. 41,242
Jerald J. Gnuschke, Registration No. 42,588
Paul Juhasz, Registration No. 36,345

and,

Robert H. Kelly, Registration No. 33,922
William A. Munck, Registration No. 39,308
Frederick D. Hamilton, Registration No. 29,717
Stephen J. Wyse, Registration No. 40,880

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

Send correspondence to: Docket Clerk
P.O. Box 802432
Dallas, Texas 75380

Direct telephone calls to: Robert H. Kelly, Esq.
(214) 922-9221

Atty. Docket No.: NC25872

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first joint inventor: Thomas J. Kenney

Inventor's signature: _____

Date: _____

Residence (City, County, State): San Diego, _____ County, California

Citizenship: U.S.A.

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Full name of second joint inventor: Jean-Marie Tran

Inventor's signature: _____

Date: _____

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